

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
GREENVILLE DIVISION**

**STEVENSON FORD**

**PETITIONER**

**V.**

**NO. 4:18-CV-67-DMB-DAS**

**LEPHER JENKINS, et al.**

**RESPONDENTS**

**ORDER**

On August 14, 2018, United States Magistrate Judge David A. Sanders issued a Report and Recommendation recommending that Stevenson Ford’s petition for writ of habeas corpus be dismissed as untimely. Doc. #13. Because this Court did not receive objections from Ford, it reviewed the R&R for clear error and, finding none, dismissed the case with prejudice on January 3, 2019. Docs. #19, #20. Ford subsequently moved for reconsideration on the ground that he mailed objections but that the document was lost in the mail. Docs. #21, #24. This Court, considering the objections timely filed but finding them without substantive merit, denied reconsideration. Doc. #26. Ford subsequently moved for a certificate of appealability. Doc. #27.

Rule 11 of the Rules Governing § 2254 Proceedings for the United States District Courts requires a court to “issue or deny a certificate of appealability when it enters a final order adverse to the applicant.” A certificate of appealability (“COA”) will issue “only if the applicant has made a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). For cases rejected on their merits, a movant “must demonstrate that reasonable jurists would find the district court’s assessment of the constitutional claims debatable or wrong” to warrant a COA. *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). To obtain a COA on a claim rejected on procedural grounds, a movant must demonstrate “that jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right and that jurists of reason would find it

debatable whether the district court was correct in its procedural ruling.” *Id.* at 484. Based on the *Slack* criteria, the Court, for the reasons set forth in its order denying reconsideration, finds that a COA should not issue in this case. Accordingly, Ford’s motion for a certificate of appealability [27] is **DENIED**.

**SO ORDERED**, this 26th day of November, 2019.

/s/Debra M. Brown  
**UNITED STATES DISTRICT JUDGE**